

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 06 MAY 2004



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Applicant's or agent's file reference 21252WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/NL 03/00231	International filing date (day/month/year) 27.03.2003	Priority date (day/month/year) 27.03.2002
International Patent Classification (IPC) or both national classification and IPC C08F283/00		
Applicant DSM IP ASSETS B.V. et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:
- I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 03.10.2003	Date of completion of this report 05.05.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Iraegui Retolaza, E Telephone No. +49 89 2399-8490 

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**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/NL 03/00231

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I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-20 as originally filed

Claims, Numbers

1-12 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/NL 03/00231

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**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	1-12
	No: Claims	
Inventive step (IS)	Yes: Claims	1-12
	No: Claims	1-12
Industrial applicability (IA)	Yes: Claims	1-12
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

D1: WO 01 47824 A (JSR CORP ;KOMIYA ZEN (JP); UCHIDA HIROFUMI (JP); UKACHI TAKASHI (J) 5 July 2001 (2001-07-05)

D2: WO 00 11097 A (JSR CORP ;JAPAN FINE COATINGS CO LTD (JP); DSM NV (NL)) 2 March 2000 (2000-03-02)

1. D1 discloses a coated optical fiber comprising an outer cured coated layer formed from liquid curable resin composition. The composition comprises:

- (a) urethane (meth)acrylate obtained from reaction of diisocyanate compound, hydroxyl group containing (meth)acrylate compound and/or polyol compound,
- (b) (meth)acrylate compound and
- (c) polymerization initiator.

Cured coating has modulus of elasticity of 50 MPa or more at 23 deg. C.

D2 discloses an adhesive comprising urethane (meth)acrylate comprising a backbone, urethane and (meth)acrylate; hydroxy (meth)acrylate where the hydroxyl and acrylate are separated by at least 3 carbons; and photoinitiator(s).

The subject-matter of claim 1 differs from the disclosure of the available prior art at least in that the stress relaxation time is not specified in any of D1 and/or D2.

The liquid resin compositions claimed solve the problem of eliminating residual stress of the coating layer as shown by the examples and comparative examples of the application. However, it has not been demonstrated that said problem is being solved over the whole range of stress relaxation time and glass transition temperature according to claim 1, but only in a range of 2 to 16 min (stress relaxation) and 70 to 80 (glass transition temperature).

An inventive step can therefore not be acknowledged over the whole scope of the claim.

2. Similar considerations apply to claims 11 and 12.